

ER-5-0281

29 December 53

MEMORANDUM FOR: General Counsel - Attention [REDACTED]

STATINTL

SUBJECT : Overseas Application of Existing Espionage Laws

1. Reference is made to your memorandum, dated 18 December 1953, subject as above, in which you pointed out that there is a serious doubt whether the espionage laws of the United States apply outside the U. S. and its admiralty and maritime jurisdiction. You specifically relate this lack of jurisdiction to possible espionage or carelessness in the loss of defense information occurring overseas and involving one of our employees.

2. The general problem of protection of classified information is one that receives perennial attention within Government with a view to additional legislation. I believe there is currently some consideration being given by the Department of Justice to possible revisions. Therefore, I would suggest that you check with Mr. Pforzheimer and possibly with the Security Office to see if they are aware of any such considerations. If so, it might well be appropriate for CIA to suggest the possibility of broadening the jurisdiction of the present espionage laws.

3. In addition I should like to refer you to Tab F of the Final Report of the Legislative Task Force. In Tab F of that report there is suggested language for legislation as follows: "CIA employees are subject to duly authorized security regulations relating to the responsibility of the Director of Central Intelligence for protection of intelligence sources and methods from unauthorized disclosure." It is pointed out that such a provision would tie in our security regulations to the statutory responsibility of the DCI and thus give some legal strength in the event of a prosecution. It would seem that if some such language were to become law it would in a large measure overcome the jurisdictional lack of the present espionage laws as far as CIA is concerned.

4. In connection with your current work in drafting legislation, it is suggested that you consider whether the suggested language above is sufficient to accomplish the desired purposes. By incorporation of some such language in the final legislative proposals for the forthcoming year, we can put this item on the table for discussion.

JSW:djm

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1-DD/A Subject w/ref.

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Executive Officer, DD/A

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